

March 7, 2006

March Seventh

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The regular March Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (8). T. Wayne Oakes was absent (1).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, City Attorney W. Clarke Whitfield, Jr., and City Clerk Annette Y. Crane, CMC.

Department/Division Directors present were Multi-Media Design Manager Mark Aron, Economic Development Director Ron Bunch, Finance Director Barbara Dameron, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Deputy Public Works Director/City Engineer Kent Shelton, and Emergency Services Director Doug Young.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Castiglione offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Luther, Minutes of the February 21, 2006 Regular Meeting and the Work Session of February 21, 2006 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting. The Minutes were approved by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

#### **BUDGET ADOPTION - FY 2005-2006 - STATE HOMELAND SECURITY GRANT**

Upon Motion by Council Member Luther and second by Council Member Archie, Ordinance No. 2006-02.11 presented by its First Reading on February 21, 2006 amending the Fiscal Year 2005-2006 Budget Appropriation Ordinance to provide for a grant in the amount of \$57,166 from the U. S. Department of Homeland Security, State

March 7, 2006

Homeland Security Grant Program to equip emergency responders to have better preparedness to prevent, respond and recover from potential acts of terrorism as well as other homeland security incidents was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

**HEARING - SPECIAL USE PERMIT - 1100 NORTH MAIN STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to operate an adult day care center at 1100 North Main Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on February 21 and 28, 2006. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-03.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR AN ADULT DAY CARE CENTER IN ACCORDANCE WITH ARTICLE 3.E (C) (7) OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1100 NORTH MAIN STREET.

The Motion was seconded by Vice-Mayor Williams and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

**HEARING - SPECIAL USE PERMITS - 480 COUNTRY CLUB DRIVE**

Mayor Hamlin noted there was a large contingent of citizens present in the meeting for the Public Hearing on this matter. He requested there be one speaker for each side of the issue and asked that remarks by each of the two speakers be limited to fifteen minutes. He advised if other individuals had comments that had not already been made, they would be given the opportunity to do so.

Mayor Hamlin opened the floor for a Public Hearing to consider a request for Special Use Permits to construct attached residential cluster homes at 480 Country Club Drive. Notice of the Public Hearing had been published in the Danville Register and Bee on February 21 and 28, 2006.

March 7, 2006

Mayor Hamlin recognized Attorney Luis Abreu, who filed the application on behalf of Sunset Ridge, LLC. Mr. Abreu was seeking approval to develop attached single-family residences and a private clubhouse for use by residents of the subdivision. He noted that in the City's Year 2020 Land Use Plan, the concept of attached single-family or cluster homes were specifically recognized as being an underserved market in the City of Danville. He said baby boomers were seeking to move into a smaller, more managed environment with basic amenities on the same floor. Mr. Abreu said construction of the cluster homes, which would be called "The View at Country Club Place," was just such a project. He felt the plan would fit with the existing neighborhood.

Project Architect and Partner Rich Grogan from Durham, North Carolina, reviewed schematics of the proposed site with Council Members, specifically ingress and egress relating to the property. Mr. Grogan stated the applicants felt that one access point to the property would be sufficient, with ingress and egress from Memorial Drive. He advised the Planning staff had recommended extension of Country Club Drive to Memorial Drive, eliminating the need for a cul-de-sac as shown on the schematics.

Attorney Mark Holland, representing several Country Club Drive residents, James and Jill Milam, Kenny and Tracey Smith, Bill and Jessie Hickson, Ed and Laurie Tillie, Guy and Leah Cooter, Noah and Linda Gibson, Dot Adams, Guy and Carol Goodwin, and Donna Hayes. Mr. Holland advised these neighbors, along with others, oppose the issuance of the Special Use Permit, because further development would increase the density of the neighborhood. The neighbors did not feel the land should lie vacant and Mr. Holland stated his clients believed that developers had a right to develop the land, but were opposed to the development because it would effectively destroy the nature and character of the neighborhood. They felt it would upset the quiet harmony that existed, would leave it unsafe for children to play in and round the streets, and for senior citizens and retirees to walk their dogs. Therefore, Mr. Holland said the neighbors insisted that the developers' right to develop the property did not trump their right to protect the nature and character of their neighborhood. The residents wanted to retain their ability to sell and market their properties to families of all types and keep property values intact.

Mr. Holland reviewed with Council Members why they should oppose the planned cluster home subdivision. He said the Year 2020 vision statement stated that City Council strives to ensure that Danville citizens has complete confidence in their city government by providing good planning, clear direction, and good stewardship. Mr. Holland said one way to provide clear direction and good stewardship is by planning, adopting, and applying consistent application of the Comprehensive Plan. He said the Comprehensive Plan provides for single-family residences in that area and not attached, mixed homes. Mr. Holland clarified that the plan did not prohibit those homes, but felt construction of

March 7, 2006

the attached, single-family homes would be inconsistent with the Comprehensive Plan for the Country Club Drive area.

No one further desired to be heard and the Public Hearing was closed.

Following an extensive question and answer period among Council Members, City Manager Gwaltney, Attorneys Abreu and Holland, Planning Director Ken Gillie relating to ingress, egress and other concerns, it was the consensus of Council Members that further discussion was needed before making a decision on the Special Use Permit request.

City Manager Gwaltney agreed that a Work Session for more discussion on this issue was necessary since there would be more development taking place in that area.

Council Member Luther moved to **TABLE** consideration of the Special Use Permit for 480 Country Club Drive until the April 4, 2006 Council Meeting with the understanding the issue would be placed on and discussed at the March 21, 2006 Council Work Session.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

#### **ELIMINATE CITY VEHICLE DECALS**

Council Member Smith moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-03.01

A RESOLUTION ELIMINATING THE ISSUANCE OF VEHICLE DECALS.

The Motion was seconded by Vice-Mayor Williams and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

#### **CODE AMENDMENT - CHAPTER 21 - ELIMINATE CITY DECALS**

Council Member Castiglione moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-03.03

March 7, 2006

AN ORDINANCE AMENDING AND REORDAINING ARTICLE II, ENTITLED "VEHICLE REGISTRATION AND LICENSING," AND SECTION 21-83 OF ARTICLE VI, ENTITLED "STOPPING, STANDING, AND PARKING," OF CHAPTER 21, ENTITLED "MOTOR VEHICLES AND TRAFFIC," OF THE DANVILLE CITY CODE TO REFLECT THE ELIMINATION OF CITY DECALS.

The Motion was seconded by Vice-Mayor Williams and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

**CODE AMENDMENT - CHAPTER 37 - ELIMINATION OF CITY DECALS**

Council Member Smith moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-03.04

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-35 OF ARTICLE II, ENTITLED "LEVY AND RATE OF TAX ON REAL ESTATE, TANGIBLE, PERSONAL PROPERTY, ETC.," OF CHAPTER 37 ENTITLED "TAXATION," OF THE DANVILLE CITY CODE TO REFLECT THE ELIMINATION OF CITY DECALS.

The Motion was seconded by Council Member Daniels and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

**VDOT - DANVILLE HIGHWAY MAINTENANCE SYSTEM**

Council Member Daniels moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-03.02

A RESOLUTION AUTHORIZING AND APPROVING A REQUEST BY THE CITY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION THAT CERTAIN STREETS BE ADDED TO THE DANVILLE HIGHWAY MAINTENANCE SYSTEM.

The Motion was seconded by Council Member Castiglione and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

**COMMUNICATIONS**

March 7, 2006

There were no communications from the City Manager, Deputy City Manager, City Attorney, and City Clerk.

#### **ROLL CALL**

Council Member Archie reported she had received many favorable comments about the beauty and cleanliness of the City.

Council Member Castiglione advised there would be a local job fair at Danville Community College with more than fifty (50) companies represented on Wednesday, March 9. He encouraged interested citizens to attend.

Mr. Castiglione advised that Danville would be hosting the State Community College basketball tournament at Langston School. He said approximately 200 players, coaches, and their families would be in Danville, which would bring additional revenue to the City.

Council Member Daniels requested that City Manager Gwaltney send a letter to the U. S. Postal Service about postal vehicles that pull in and out of traffic on Piney Forest Road. Mr. Daniels said the vehicles interrupted the traffic flow on a city street that handles a high volume of traffic and created a safety hazard. He felt another means of delivering the mail along that route would correct the problem.

Council Member Smith, in response to a column by John Fisher that appeared in the morning *Register and Bee*, said the Utility Commission was seeking way to be more creative in securing a contract for utilities in Danville. Mr. Fisher had mentioned in his column the recent large increase in utility bills had been a real blow to the citizens of Danville and city officials should seek creative ways in dealing with the cost of energy.

Vice-Mayor Williams reported that Tod Lambert, CEO of Danville Regional Medical Center, had announced his resignation earlier today.

#### **CLOSED MEETING**

At 8:37 P. M. Mayor Hamlin recognized Vice-Mayor Williams who moved that the meeting be recessed and that Council immediately convene in Closed Meeting for discussion of an economic development update concerning a prospective business where no previous announcement had been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Council Member Castiglione and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

March 7, 2006

At 9:06 P.M. Council Member Castiglione moved that Council adopt the following Resolution.

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Council.

The Motion was seconded by Vice-Mayor Williams and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Saunders, Smith, and Williams (8)  
NAY: None (0)  
ABSENT: Oakes (1).

The Meeting adjourned at 9:06 P.M.

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MAYOR

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CLERK